

# Study on Compliance and Practice of International Law and Remedies

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**Abstract:** How can powerful countries be made to comply with international law? This question has been widely discussed by scholars. This paper expounds from three aspects: theory, famous case analysis and proposed solutions. First, how this problem came into being, secondly, its impact, and finally, how the country should deal with this problem.

## 1 INTRODUCTION

The theory of compliance is divided into four parts with each a key concept: reputation, agreement, regime and sanction. The four theories will be described in detail in the following part. Finally, it will be proved that the combination of theories with different features and ranges of application, are more compelling and practical rather than a single theory like sanction.

## 2 The theory of compliance

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### 2.1 The sanction theory

According to the dictionary, sanction refers to an official order that limits trade, contact and so on. with a particular country, in order to make it do something, such as obeying international law. Obviously, the consequence of inobservance of international law. Thus, it is natural that sanction can be one reason why states choose to comply. The sanction provides states with material inducement so that it can force and compel them to comply, or they will encounter serious material loss. The sanction mainly includes diplomatic sanctions, economic sanctions and

military sanctions. In all of these three forms, economic sanctions are used and discussed most frequently as states have to solve disputes but are reluctant to use violent manners in consideration of cost.[1]

If one country is sanctioned economically, national economy will be greatly affected, and lives of citizens may face hard times, leading to turmoil and great public discontent, which motivates the state to change its policy.

It must be pointed out that the crux of economic sanction gains the support from most people and states. If only one or two states reject to develop trade, the sanctioned state possibly tides over difficult times, and even goes against stream, and adjust the industrial structure to make the domestic economy more resilient.[2] Furthermore, even if sanctions particularly cause severe economic problems in the target country, they cannot be thought to be successful, because the success, in fact, depends on whether it leads to the expected change in policies and actions of sanctioned states.[3] Iran under U.S. sanctions and Russia under international sanctions are prime examples.

Overall, countries and international society rely excessively on sanction recently, which hardly makes any difference to the target country. On the contrary, these sanctioned countries possibly survive under the pressure of economic sanction and form a new strategy to develop. In this case, the sanction no longer affects the state's actions and policies, and what is worse is that ineffective sanction delivers those states which do not perform obligations are free of punishment.[4] The consequence of noneffective sanction is harmful to international legal system.

Therefore, the sanction theory is supposed to be modified and combined with other theories, in order that

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internal logic and essences of compliance can be understood.

## 2.2 The reputation theory

Every state is self-interested, and as is all known, it hardly does anything useless even harmful to its national interest, reputation included. Reputation refers to other entities' opinions toward one state, in accordance with what the state has done and how the state behaved in the past. Based on these norms, "compliance occurs due to concern about both reputational and direct sanction triggered by violation of the law." [4] The former is "soft" and the latter is "tough". As to the reputation part, when one state fails to comply with the law, the main implication lies on other states' perspectives of the state's activities in the future. The violation indicates that this violating state has tendency to breach obligations in the future again. That is to say, the value of reputation from compliance enables states to make a credible promise with other entities.

Nevertheless, not every time would one state comply in order to preserve its reputational interest. Supposing a state facing two kinds of adverse incentives whether they should comply, "the state will play 'comply' if and only if the reputational payoffs it would receive are sufficiently large to trump non-reputational payoffs." [4] It means that when a state decides whether to comply, the interest and loss the state can obtain are essential. Hence, it is of necessity to understand factors affecting extent of violations.

The implication of violation obviously is associated with its severity. If the violation does harm to massive states and imperils the safety of entire human society, for instance, supporting terrorists' organizations, it is true that they will be denounced seriously, and it will cause huge reputational loss. The reason for the violation influences states' attitudes and subsequent impact as well. Even though every state wishes that other relevant parties can observe the obligations of a treaty when they enter it, they also realize that it is inevitable that in some cases, one state has to ignore its obligations without the second choice. If so, the reputational loss may be less, because the reasons are widely understood and even accepted. In addition to the acquirement of reasons, the acquirement of violations itself matters when it comes to estimate potential effect. The violation will hardly be punished if there is none or only the victim state is aware. The three factors, severity, reasons and other states' acquirement of violation, will greatly influence the reputational loss. Consequently, they will influence states' compliance.

Admittedly, a defect of reputation theory lies on that it almost makes no difference when it comes to affairs of wars, military and territory. Nevertheless, this theory can explain many observations of law and even compromises to settle a dispute. The reputation theory is quite effective to soft domains, like economy and environment, though not effective to some very tough and tight domains, especially related to military force. It must be pointed out, however, that when it comes to contradiction concerned with a matter of principle concerning national sovereignty like territorial disputes, one country hardly will

compromise or make a concession, no matter how interests of other fields will be affected.

## 2.3 The agreement theory

It is traditionally believed that countries are not voluntarily to hand over part of their sovereignty, especially when the authority is closely related to their ability to make and judge their international policies. After the World War II, however, a wide range of agreements and institutions are set. The key word "agreement" here indicates a formal promise about future action of participating countries, established by two or more countries. Concerning this phenomenon and connecting with features of this era, an explanation is that because of the growing degree of interdependence on each country and whole human society, countries can benefit from signing and obeying a good international agreement. [5] They are willing to sacrifice some of their power of international actions in order that every state's actions are predictable so that no state will not do what is harmful but beyond every state's awareness. Additionally, the compliance of a well-established agreement can reduce unnecessary economic and temporal costs, improving the efficiency of addressing international affairs including disputes, particularly some realms such as economy and environment, of which there are many mutual interests.

When it comes to national interest, the realist theory should be discussed. Some scholars influenced by the realistic approach advocate this theory but argue that the international law merely embodies balance among states with different interests, in other words, a compromise. Instead of law, the power each country possesses is the determinant. As a result, whether international law and formal agreements can effectively affect states' actions is questionable. Another similar but not so negative theory is a rational functional approach. When there are issues of mutual concern, which is so intractable and extensive that no single state can tackle them solely, then relevant states perceive the need to turn to sign a international agreement in order to find an viable and accepted solution. The international agreement is assumed that every party can benefit from it but no state will undertake excessive responsibility. It allows other parties to undertake less obligations.

In brief, the above two perspectives view agreement as a necessary method to balance and guarantee relevant countries' state. This is quite reasonable, because the nature of modern international legal system is to construct a reciprocal world towards all countries rather than one dominated few or even one state. In this way, all states regardless of strength and ideology can gain the opportunities of development.

Moreover, a completely different theory of agreement from above-mentioned perspective is that the agreement actually "shapes" interests among states so that the well-established agreement can make a difference about compliance. The main idea of this theory is that the level of compliance and violation cannot be verified and is not based on decisions and calculations. Therefore, it is unnecessary to set a specific standard for international

agreement. In fact, if one treaty can reflect states' interests more accurately, then states are more willing to observe it. In accordance with this theory, the source of compliance is based on how sensible and well-designed one treaty is. This is a unique theory, but what makes it not applicable is that the will of states can permit one treaty to tell what national interests should be. [4]

Admittedly, it is difficult and time-consuming to reach an agreement that all participating states' interest are considered, but once such an agreement has been signed, then these countries have no more reason to violate it. Whether the agreement reflects or shapes states' interests, as long as states can preserve their interests, they are willing to sign the agreement and comply.

## 2.4 The Regime theory

Replacing law with regime, the regime theory, which absorbs ideas from international lawyers and scholars of different schools, intensively expresses the cause of compliance. The main content of this theory is that regime can help states to coordinate their long-term interests and short-term interests, and to preserve their long-term interests, they will comply with the decision of the regime voluntarily. [6] The international regime will be established exclusively when it successfully cater for the need of sustainable development. The mechanisms of these regimes are set to reduce the cost of cooperation and avoid some states to be blind of their long-term interests and to pursue the interests of moment. The source of authority of regime is similar to the agreement-legitimacy of rules used to organize international regime. In Franck Thomas M.'s articles, it is proposed that the legitimacy of one international regime depends on four factors: "textual determinacy, symbolic validation, coherence and adherence". [7]

According to legal practice of regime theory, states indeed have tendency to comply if they are in the framework of a well-designed regime. The keyword here is "consensus on long-term interest". Nevertheless, whether states can reach the consensus of their long-term interests is the main obstacle of establishment of such regimes, and how possible states would pursue long-term interests instead of short-term interests is the main point of controversy, under the framework of regime theory.

The kernel of all theories used to explain the compliance of states is national interests. To the extent that a measure has an impact on national interests is the extent to which it influences a state's decision on whether to abide by international law. However, all the theories discussed above is one-sided, and they can not represent the general interest of one country. This is why the range of application is limited.

Even though all three theories have their own disadvantages, and the application are limited, some of them are indeed more compelling and practical than others. As what have been discussed at the sanction part, the sanction is not as effective as normally believed, although in many cases the sanction is regarded as the most direct and the first choice when a violation is required to be addressed. The abuse of sanction is one reason why some

countries, the great powers particularly, do not observe the international legal system, as they can still survive even with numerous sanctions. Even though there are a amount of defects of sanction, this manner is still of necessity. Until states and international organizations change their mind about sanctions, they will continue to choose sanctions as the primary form of punishment. Given that, what we need to do now is to make sanctions more effective, and then slowly change the perception of countries that reputation matters more.

Compared with the sanction theory, the agreement and regime theory are more convincing, because they are all based on preserving states' interests and depict the promising future with sustainable development if states comply. Agreements and international regimes will be established to promote all states to develop. For states, it seems that all the institutions and actions under the framework of international legal system are made up to protect national interests, since their national interests are the main consideration of establishing agreements and regimes. As for the reputation theory, it points out that the compliance of states is for being accepted by agreement, and the acceptance will arise only if they are with good reputation. When it is incorporated with the agreement, regime theory, the reputation theory delivers the positive influence of fulfilling international obligations, and meanwhile, sanctions will only lead states to the negative influence of international law on national interests.

To conclude, since the sanctions theory lacks explanatory power for state compliance, and is not very effective when applied to reality in guiding actions to promote state compliance with international law. But cannot be completely replaced immediately, other theories are supposed to combined with it and become workable substitute. The combination of reputation, agreement and regime theory not only clearly show why state comply, (for obtaining great reputation in order to accede to a treaty, agreement or regime beneficial to their national interests), but also points out a probable way to promote states' compliance (establishing regimes and agreement of aiming at preserving states' interest). If sanction is added to this combination, the application of international law to reality is more practical and effective in short time, and an international community atmosphere of abiding by international law and win-win cooperation will be shaped. This is why the combination of theories with different features and range of application should be paid more attention and given more application space in reality.

## 3 Cases study

According to the norms of international law of war, the use of force is always illegal, except when authorized by the legitimate right to self-defense or by relevant UN Security Council resolutions.

The reason that great powers have the ability to ignore the international law are

- Don't care of their bad RUPUTATION
- Don't believe their interests will be undermined
- Adequate countersanctions
- Strong military power

- Mastering important resources/technology

Take Russia as an example, they have several reasons that allowed Russia to against sanctions. First, hoard foreign exchange and gold reserves, sell a large number of US Treasury bonds and convert us bonds and DOLLARS into gold, prevent Europe and the US from breaking off economic relations, block their international trade and foreign exchange transactions, and the worst is gold, a hard currency. This refers to reason three. According to public records, Russia has amassed \$630 billion worth of foreign currency and gold, ranking it fourth in the world after China, Japan and Switzerland. Second, while Russia's economy is low, but very stable, low external dependency, Russia's national debt is low, its public debt as a share of GDP in 2021 was only 17% (the United States about 130% of the data, is enough to repay all debt in foreign exchange reserves, it ensures that the government cannot because the European and American sanctions and overwhelmed by debt problems. Third, Russia doesn't need to import energy, and what can Europe do with Russia before winter is over? Not buying natural gas? Keep the people in the cold? Therefore, although Europe must face severe sanctions, but the gas must be bought from Russia, and Russia and Europe's gas settlement in euros, the United States has no way, can the United States still dare to sanction Europe? This refers to the reason five. The Russians also raised the issue of the space station, whose orbit and position are controlled by Russian engines. If sanctions make it impossible to control the station, the 500-ton equipment could fall into American or European territory. By the way, Russia has been under comprehensive sanctions since its annexation of Crimea in 2014. At that time, the reputation of Russian is already really bad because the western media. So, Russian seems don't care about their reputation anymore. This refers to point one.

Here is more detail on the case study about noncompliance example and compliance example.

They are US---Iraq war  
Russia---Ukraine war  
Bombing of Yugoslavia

In 2003, the United States launched a new strategic preemptive war under the leadership of George W. Bush. This decision led to the US war against Iraq. According to the 2002 national security strategy, the United States announced that it would act before emerging threats formed. Therefore, the United States has transformed the principle of war prevention into preemptive war. The fourth point of the first five reasons' strong military power 'is mentioned and reflected here. The United States has always believed that the purpose of this change is to deal with the changing international situation and the urgent pressures and threats brought by the world. The so-called freedom of action in Iraq is essentially an obvious war of aggression. It not only violates the provisions of the Charter prohibiting attacks on any country except self-defense, but also violates the sanctions provisions of the Security Council, but also only shows George Bush's disregard and manipulation of international law. In fact, since the Gulf War, the Iraqi army itself has also been under continuous pressure from the global situation. The

UN Commission found no nuclear weapons in Iraq before and after the war. Therefore, the United States represented by George Bush is just showing its invincible military power and disrespect for human values to weak countries. Protocol I to the Geneva Conventions clearly states that civilians are prohibited from being injured in any armed action or war, and in the Iraq war, all residential buildings and civilian facilities were deliberately targeted by the U.S. military. Obviously, this cannot be defined as a simple preemptive war or a counterattack to prevent new threats; This is clearly a war of aggression.

Russia's apparent violation of international law is twofold. First, Russia's invasion of Ukraine is a clear violation of Article 2, paragraph 4, of the United Nations Charter, which prohibits "the use of force against the territorial integrity or political independence of any State." [9] The United Nations General Assembly has defined Russia's actions as an act of aggression; Members of the International Law Association reaffirmed this definition in a joint statement (see English, Chinese, Russian and Ukrainian). On March 16, 2022, the International Court of Justice ruled that Russia's justification for the military action it launched on February 24, 2022 -- its claims of genocide inside Ukraine -- had no factual basis. The ICJ ordered that "the Russian Federation must suspend its military operations pending a final decision in this case". The Court has placed particular emphasis on the "binding force" of its decrees and thus imposed unquestionable obligations under international law on Russia. Second, Russia has been violating international humanitarian law. In the first three weeks of the war, Russian forces carried out what appeared to be indiscriminate bombing, killing nearly 600 Ukrainian civilians, striking at least 43 medical facilities and using cluster munitions in densely populated urban areas. The actions of the Russian army may not only be violations of humanitarian law, but also amount to war crimes. On March 10, 2022, the PROSECUTOR of the International Criminal Court issued arrest warrants for several Officials backed by Russia. The officials were accused of war crimes during the 2008 Russia-Georgia conflict. This time, the ICC prosecutor made an important statement: "My office, in its initial review of the situation in Ukraine, found numerous patterns of behavior similar to those during the Russia-Georgia conflict."

In the second half of the 20th century, due to the large number of immigrants and high birth rate in Albania, the number of Muslims in Kosovo exceeded that of Serbs. The region's economy has not improved, but the arms and drug trade from the Middle East has flourished. Albanians and Mrs. nanslar did not like this situation, so there was a national dispute. Finally, the Albanian Muslims in Kosovo, because of their predominance in numbers, declared their desire for independence from Yugoslavia and expelled all Serbs, Montenegrins and Gypsies from their historical territory. So the war began. At the same time, the Albanian local organization "Kosovo Liberation Army" began the liberation struggle. According to the United States, the organization's funds came from the sale of human organs and drugs. Kosovo Albanians, as well as the Yugoslav military and police, have begun full-scale terrorism and

ethnic cleansing. Because the government army had the advantage of equipment, it soon won. In January 1999, Yugoslav police raided the Kosovo village of recheck, killing 45 militia members. All the dead were men except one woman. So far, it is unclear whether these people were killed by the military. However, the European Commission declared them civilians. In March, the United States issued an ultimatum to Yugoslavia, demanding that the disputed area be handed over to Albanians and stop the bloody conflict. This proposal was rejected by Yugoslav president Slobodan Milosevic. So the United States led NATO forces and began military operations against Yugoslavia. It is worth noting that the United Nations has not authorized the use of force, so this intervention is illegal.

The Allied action in 1999, that is, the NATO bombing of Yugoslavia, seriously violated many provisions of the International Criminal Tribunal, the Nuremberg Tribunal, the Charter of the United Nations and international law. [8] The Arab-Israeli Conflict, Volume In the second half of the 20th century, due to the large number of immigrants and high birth rate in Albania, the number of Muslims in Kosovo exceeded that of Serbs. The region's economy has not improved, but the arms and drug trade from the Middle East has flourished. Albanians and Mrs. nanslar did not like this situation, so there was a national dispute. Finally, the Albanian Muslims in Kosovo, because of their predominance in numbers, declared their desire for independence from Yugoslavia and expelled all Serbs, Montenegrins and Gypsies from their historical territory. So the war began. At the same time, the Albanian local organization "Kosovo Liberation Army" began the liberation struggle. According to the United States, the organization's funds came from the sale of human organs and drugs. Kosovo Albanians, as well as the Yugoslav military and police, have begun full-scale terrorism and ethnic cleansing. Because the government army had the advantage of equipment, it soon won. In January 1999, Yugoslav police raided the Kosovo village of rechak, killing 45 militia members. All the dead were men except one woman. So far, it is unclear whether these people were killed by the military. However, the European Commission declared them civilians. In March, the United States issued an ultimatum to Yugoslavia, demanding that the disputed area be handed over to Albanians and stop the bloody conflict. This proposal was rejected by Yugoslav president Slobodan Milosevic. So the United States led NATO forces and began military operations against Yugoslavia. It is worth noting that the United Nations has not authorized the use of force, so this intervention is illegal.

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## 4. THE ROLE OF THE ICJ IN INTERNATIONAL DISPUTE SETTLEMENT

It is true that international law is weak, so there are often some international behaviors that cannot be effectively restricted. International law only has inherent coercion, and states' compliance with treaties is based on "the treaties must be kept faithful." But when many countries face these problems in practice, they may violate international law for various reasons. Therefore, the international community urgently needs a place that can provide powerful countries with a platform to solve problems reasonably, and this is how the ICJ came into being. Now more and more people are paying attention to the ICJ, especially the impact of the ICJ on international politics. An expectation that the ICJ can strengthen the country's compliance with international law has grown with the outbreak of the Iraq War and most recently the Ukraine War.

Some scholars, who are supporters of the court, believe it will somehow encourage states to show greater respect for international law. But do the International Court of Justice really enhance state compliance with international law? What problems does the ICJ currently face, and which limit its development? And how to make the ICJ the first choice of great powers when confronted with disputes?

### 4.1. Do the International Court of Justice really enhance state compliance with international law?

There was a man called Diogo Freitas do Amaral who is a President of the Fiftieth Session of the United Nations General Assembly, he had said in 1996 at the fiftieth anniversary of the ICJ that "without the rule of law, mankind cannot achieve peace, freedom and security, and A civilized society cannot be built." [11] The data in official website of the United Nations shown that since its establishment in 1946, the International Court of Justice has heard more than 100 cases. Of these, 80 per cent were inter-State litigation cases and 20 per cent were cases in which an advisory opinion was requested by a United Nations body or specialized agency. According to this set of data, the International Court of Justice has influence in the international community, and many countries are willing to submit disputes to the ICJ to solve the problems through judicial channels. Scholar said when governments want to remove significant issues from the domestic or international political process, an international legal system can make a big difference. For example, in the settlement of territorial delimitation disputes, the International Court of Justice has played its role in resolving territorial disputes between two countries. The International Court of Justice has a famous precedent, which has been included in many textbooks. And I studied this case in the class when I learned about national territorial delimitation at the university. In 1962, the ICJ ruled that the ancient temple of Long Tuan, a place where Cambodians have been under the control of Thailand since 1954, had been incense and worshipped. It was confirmed that the ancient temple was indeed located in Cambodia.

Therefore, Thailand must withdraw its police and military, and return any objects taken from the ruins of the ancient temple. Thailand has complied with the judgment of the International Court of Justice. For another example, in the case of the border dispute between Burkina Faso and Mali in 1986, the ICJ also resolved the dispute between the two countries very well. [12] The result of the case was that both parties to the dispute fully accepted the special chamber established by the ICJ demarcated boundary lines.

#### **4.2. Why is the role of the International Court of Justice in international disputes still to be enhanced?**

The predicament that the ICJ is currently facing. Right now, the ICJ is a principal judicial organ of the United Nations, which established by the *Charter of the United Nations*, and it signed at San Francisco on June 26, 1945.[13] The ICJ operates in accordance with the Statute of the International Court of Justice and its own Rules, and the Statute is part of the Charter. We can use the statute to analyze the existing powers of the ICJ based on the statute and what role the ICJ can play in such disputes. According to the articles 34(1) said that only states can be the parties in cases before the Court, 35(1) said that the court will be open to the states parties to the present Statute, and 36(1) said that the jurisdiction of the Court should encompass all cases brought before it by Member States and other parties as well as all matters specified in the Charter of the United Nations or in existing treaties and conventions. These content in the *Statute of the International Court of Justice*; it can be said that the ICJ has no right to accept cases on its own initiative.[13] Because the Statute does not authorize the International Court of Justice to take the initiative to investigate and hear the actions of sovereign states, or to intervene in their internal affairs.[14] The scope of cases before the ICJ is limited to all cases submitted by the parties and all events specified in the UN Charter or existing treaties and agreements. In addition, there is currently no agency like public prosecution in the United Nations, so the ICJ does not have a prosecutor who can prosecute. Therefore, although there are many international disputes, these disputes can only be heard by the ICJ after the request and consent of the countries concerned. In theory, the ICJ has jurisdiction over any international dispute, but the basic principle of international law is that states voluntarily accept jurisdiction. ICJ is restricted by its charter and statute, so its compulsory jurisdiction is very limited and is based on the voluntary choice of the states concerned. For example, the Court could not exercise jurisdiction if states were not Parties. War crimes committed by non-Contracting States on the territory of Contracting States may, whereas be subject to jurisdiction.[14] To sum up, there must be some factors associated with contracting States.

Another reason is that the willingness and consent of the parties may be the basis for the court to exercise its procedural jurisdiction. Moreover, for various reasons, a considerable number of States were reluctant to refer disputes to the Court. Most of these countries would rather political way to solve disputes between each other in the

legal method, in order to avoid the constraints of legal method they probably don't want to lose the future control of these cases, however, the dispute submitted to the international court of justice, they will not be able to impose any political influence on dispute, because the court is to settle the dispute according to law.

#### **4.3. How the ICJ gets out of the dilemma?**

First, the following suggestions are all on the premise of not changing the Statute. One of the most basic prerequisites for the ICJ is that all parties are willing to submit their disputes to the ICJ for settlement, or that the relevant agencies of the United Nations are willing to consult the ICJ on legal issues, and the countries or institutions that have the right to request consultation are willing to seek help from the International Court of Justice. There are many reasons for the court, excluding political factors such as national interests (because the ICJ cannot play a decisive role in the interest of a country), the most important thing is that these countries or institutions have the right to request consultation have confidence in the ICJ. And this confidence mainly comes from two aspects: one is the confidence in the impartiality of the ICJ, and the other is the confidence in the efficiency of the same court. Therefore, to enhance this confidence, the ICJ must be both impartial and efficient, both of which are indispensable. To sum up, both fairness and efficiency can enhance the image of the ICJ and enhance the confidence of sovereign states in the ICJ, thus prompting countries to take the initiative to submit disputes to the ICJ for settlements.

Through the research, although there is no way to directly change the statute or force states to submit disputes to the ICJ at present, it is possible to make full and effective use of the existing competence of the ICJ and ensure the judicial impartiality of the ICJ from the realistic conditions. We still hope that "the international community will eventually establish a strong rule of law system that can restrain both large and small countries."

## **5. CONCLUSION**

### **5.1 Methods to help powerful nations comply with international law How to have more effective sanctions?**

#### **5.1.1 How to use sanctions?**

Sanctions are commonly used by the international community to achieve national goals regarding economic, military, political, diplomatic, and cultural aspects [15]. If properly used, it can help the international community to develop more peacefully. If improperly used, it can be a trigger for violations of international law. Therefore, how to use sanctions to make powerful countries more successful in complying with international law is also to address the circumstances under which sanctions are more effective. Nowadays, sanctions are divided into two main

types, the first is multilateral sanctions mainly through international organizations or multiple countries, and the other is unilateral sanctions, which are mainly imposed by one country on another. For example, UN sanctions against Haiti are considered multilateral sanctions that are aimed at restoring democratic politics to Haiti, which means that the goal of such UN sanctions against the country is positive. Under Article 41 of the UN Charter, sanctions are all coercive measures that do not include force.[16] Thus, the UN Security Council sanctions are clearly defined and legitimate.[17] In addition, sanctions initiated by the United Nations have a positive impact in general, as the UN is an international organization that works for the peaceful development of all nations. Canada's sanctions against Russia are called unilateral sanctions. The Canadian government imposed the first round of sanctions against Russia in February 2022, the main element of which was a ban on Canadians buying Russian sovereign debt. The impact of sanctions on the economy is not only on the sanctioned country, but the sanctioning country will also be harmed accordingly in order to achieve the purpose of sanctions. [15] So, Russia is a victim, but Canada has also been negatively affected. As schooler said, "No country will voluntarily comply with the law".[18] This article argues that most unilateral sanctions are those that are designed to protect national interests and may have a negative impact on the international community, while multilateral sanctions initiated by the UN Security Council are usually those that have an overall positive impact for the sake of world peace. Therefore, for more effective sanctions and some degree of control over unilateral sanctions, the international community could try to give international organizations more power to impose sanctions. Authoritative international organizations such as the United Nations could develop special sanctions regimes specifically for countries that violate international law. For example, in the recent Russian-Ukrainian conflict, there have been many incidents of sanctions. These are the sanctions between Russia and Ukraine themselves, but it's also because of the sanctions between them that more countries are participating in the sanctions. Although this paper is not able to count the specific losses to each country as a result of this sanction, the impact of the sanctions is still mutual. Even with the Russian sanctions against Ukraine, Russia itself may have incurred some corresponding losses. Unilateral sanctions are not always bad, but the adverse risks of unilateral sanctions are obviously greater than those of multilateral sanctions issued by international organizations according to international facts. Therefore, the United Nations can play its role as a peace stabilizer and intervene appropriately in these sanctions' incidents caused by the Russian-Ukrainian conflict and give full play to the UN's functions to minimize the world's losses without interfering in international politics. The risk of more adverse sanctions by big powers can be reduced when the extent of individual harm is reduced. United Nations measures may, to some extent, threaten and make sanctions more effective against states that intend to use them to violate international law. In general, UN member states could give more appropriate opportunities sanctions

to the UN, which is a relatively authoritative and neutral international organization. Such an approach can, to a certain extent, deter some powers and monitor them to better comply with international law and refrain from doing things that are not conducive to world peace.

In the modern, whether in terms of the frequency with which sanctions are applied, or in the context of the unfinished conflict between Russia and Ukraine, the fact that large countries use sanctions more frequently and more easily than small countries is the most frequent. It is direct and influential act of international law on the entire international community. However, it is also precisely because sanctions are being used more frequently that this means that the international community is more aware of them. If the sanctions issue is resolved, this will further improve the observance of international law by major powers.

### *5.1.2 What is the countermeasures of self-help?*

Self-help is also a widely used and broadly defined act in the international community. This paper mainly considers self-help to be divided into self-defense, intervention and retaliation. This paper argues that the two acts of self-defense and intervention are acts that have more positive than negative effects because they are more like reasonable reactions when the state is treated unjustly, which also means that the state has a reasonable right to use self-defense and intervention. The act of self-help is positive in that it can help a state defend its rights. However, Alfred states that retaliation, revenge, and other acts of a violent nature are also a type of self-help.[19]Chapter VII of the UN Charter, Article 39, states that "The Security Council should distinguish all threats and breaches of the peace or acts of aggression"[16]. Acts such as reprisals, which are threatening to other countries, have the motive of threatening peace, destruction or aggression, and violate the provisions of the UN Charter. Therefore, in order to increase the level of compliance with the rules of international law, it is necessary to regulate such acts, which were originally intended for the benefit of more countries, but in fact have evolved over time into an international instrument that may become internationally wrongful. This paper argues that international organizations could have a clearer definition of self-help and set clear rules for self-help. First, one cannot deny that self-help can, to a certain extent, help states to fight for their rights through self-defense. Second, the international community should have some regulation of reprisals in self-help acts. One should not veto retaliation, while at the same time preventing the use of unjustified retaliation. Such an approach would not only make self-help more standardized but would also serve as a cautionary tale for the progressive standardization of international law in each country, thereby increasing the level of compliance with international law.

### *5.1.3 What is structural idea of balance of power?*

Finally, the most direct way to improve state compliance with international law should be to change the structure of

interests in compliance with international law. For example, although China and the United States are in a relatively tense situation in the world, there is still some economic or political cooperation between China and the United States, which shows that the essence of the country is to seek the greatest possible benefit for their own country. National interests determine international relations. Therefore, if people want more countries to comply with international law, they can try to change the structure of the interests of compliance and violation of international law. It is possible to allow countries that comply with international law to obtain greater benefits to a greater extent and, conversely, to increase the costs of violating international law. The United Nations is one of the main ways to resolve international disputes. For example, many countries, including major powers, want to have as much say as possible in the UN. Therefore, the United Nations can give more say to those countries that have been observing the purposes of the UN, and at the same time reduce the say of those countries that have been violating international law as a punishment. Giving more say to fixed member countries, which may even provoke certain contradictions and cause corresponding violations of international law. Great powers may also neglect to observe international law because they have a fixed say. This is not conducive to compliance with international law by major powers. However, changing the benefit structure of international law presupposes better standards of sanctions and self-help behavior. Firstly, if there is no well-developed sanctions or self-help regime, some countries may still implement some undesirable sanctions or self-help means when their own interests cannot be satisfied even if they change their interest structure. Secondly, if some countries find through analysis that the benefits they get from using some negative sanctions can compensate the costs they pay for violating international law, they will still choose to continue to use some instruments that have adverse effects on the world landscape. Therefore, after the international instruments are relatively well regulated, the international community can appropriately adjust the benefits of compliance with international law. Benefits are powerfully attractive to countries, and if corresponding benefits are given to some countries after they comply with international law, it will not only make these countries feel the benefits of compliance with international law, but also motivate other countries in the world to be more willing to comply with international law.

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